

**\*\* E-filed February 2, 2012 \*\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

WEST MARINE, INC.,

No. C11-04459 HRL

Plaintiff,

**ORDER GRANTING WEST  
MARINE'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL**

v.

WATERCRAFT SUPERSTORE; INC; and  
DOES 1-50,

**[Re: Docket No. 13]**

Defendants.

Plaintiff West Marine, Inc. ("West Marine") has moved for an administrative order to file under seal certain documents in connection with its Opposition to Defendant's Motion to Dismiss. West Marine alleges that all of the following have been designated confidential by the defendant, Watercraft Superstore, Inc. ("Watercraft"): 1) pages 33-35 and 77-83 of the deposition of Greg Pickren (Dkt. 14, Exh. 3 ("Pickren Depo.")); 2) summaries of Watercraft's sales numbers and sales through Ebay, marked as WATER000037-000038 ("Exhibit 7 to Pickren Depo."); 3) summaries of Watercraft's sales number, marked as WATER000002 ("Exhibit 8 to Pickren Depo."); 4) summaries of Watercraft's purchases from suppliers, marked as WATER000003 ("Exhibit 9 to Pickren Depo."); 5) Watercraft's Objections and responses to West Marine's first set of interrogatories ("Exhibit 10 to Pickren Depo." and "Exhibit E to Chang Dec." (Dkt. No. 14, Exh. 5)); and 6) references to the above in West Marine's Opposition brief (Dkt. No. 14). See Dkt. No. 13.

1 Plaintiff's motion notified Watercraft of its duty to file and serve a declaration establishing  
2 that the designated exhibits were sealable within seven days. See Civ. L.R. 79-5(d). Watercraft filed  
3 a declaration on February 1, which attests that its sales volume and individual supplier volume are  
4 confidential because Watercraft has never released this information or made it available to the  
5 public. Dkt. No. 22. In addition to the first five items listed above, Watercraft identifies 12 portions  
6 of West Marine's Opposition that address confidential information. See Dkt. No. 22 ¶ 4. Further,  
7 Watercraft declares that disclosure of this information would benefit its competitors to its detriment.  
8 Id. at 2. Accordingly, the court concludes that the material for which sealing is sought is confidential  
9 commercial information, and public disclosure would likely harm defendants. The motion to seal is  
10 therefore GRANTED.

11 The Clerk shall SEAL the following: pages 33-35 and 77-83 of the Pickren Deposition, and  
12 Exhibits 7, 8, 9, and 10 thereto (Dkt. No. 14, Exh. 3); and from West Marine's Opposition, 1) Page  
13 1:23-24; 2) Page Page 6:11,15, fn.8; 3) Page 7:7-9,11-12, fn.10; 4) Page 8:9; 5) Page 14:11, 21; 6)  
14 Page 15:16-18; and 7) Page 19:14.

15 **IT IS SO ORDERED.**

16 Dated: February 2, 2012

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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

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